

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

## JOSEPH LOCHUCH EWALAN,

CASE NO. C20-5678JLR

Plaintiff,

## ORDER

V.

WASHINGTON STATE  
DEPARTMENT OF  
CORRECTIONS, et al.,

## Defendants.

## I. INTRODUCTION

Before the court are Plaintiff Joseph Lochuch Ewalan’s motions to meet and confer and file a joint status report (“JSR”) (1st JSR Mot. (Dkt. # 137); 2d JSR Mot. (Dkt. # 143)), for leave to file PTSD evidence (Evid. Mot. (Dkt. # 138)), and for an order for transport at trial (Transp. Mot. (Dkt. # 139)). The court has reviewed Mr. Ewalan’s

1 submissions, relevant portions of the record, and applicable law. Being fully advised,<sup>1</sup>  
 2 the court DENIES each motion.

3 **A. Mr. Ewalan's JSR Motions**

4 On June 8, 2023, the court ordered the parties to meet and confer and file a JSR.  
 5 (See 6/8/23 Order (Dkt. # 135); 6/22/23 Min. Order (Dkt. # 142) (extending JSR deadline  
 6 from June 30, 2023 to July 31, 2023, per Mr. Ewalan's request).) Nevertheless, Mr.  
 7 Ewalan asks the court to compel Defendants to meet and confer with him. (See 1st JSR  
 8 Mot.) Mr. Ewalan's first JSR motion is moot because the court has already ordered the  
 9 relief he seeks. *See, e.g., Powell v. McCormack*, 395 U.S. 486, 496 (1969) ("a case is  
 10 moot when the issues presented are no longer 'live' or the parties lack a legally  
 11 cognizable interest in the outcome."); (see 6/22/23 Min. Order (ordering the parties to  
 12 meet and confer). The court therefore DENIES Mr. Ewalan's first JSR motion.

13 Mr. Ewalan's second JSR motion asks the court to compel the parties to meet and  
 14 confer on a specific schedule, via specific communication methods, and regarding  
 15 specific topics. (See generally 2d JSR Mot.) The court set forth the topics the parties'  
 16 JSR must cover and the deadline for submitting the JSR in its June 22, 2023 minute  
 17 order. (See 6/22/23 Min. Order at 2 (ordering the parties to file a JSR "identifying a  
 18 proposed trial date and anticipated length of trial and summarizing the parties' issues or

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21 <sup>1</sup> Mr. Ewalan's second JSR motion is noted for July 14, 2023. (See Dkt.) However, the  
 22 court finds Mr. Ewalan's motion to be moot and exercises its discretion to decide the motion  
 without waiting for his reply. *See Fed. R. Civ. P. 1* (instructing the court "to secure the just,  
 speedy, and inexpensive determination of every action and proceeding").

1 concerns as they move toward trial.”).) The court declines Mr. Ewalan’s invitation to  
 2 micromanage other aspects of the process and DENIES his second JSR motion.

3 **B. Mr. Ewalan’s Motions to Admit Evidence and for Transport**

4 Mr. Ewalan has repeatedly moved to admit evidence of his PTSD and to order the  
 5 Department of Corrections (“DOC”) to transport him to trial; each time, the court has  
 6 denied the motions as premature because no trial date has been set. (*See, e.g.*, 11/16/20  
 7 Order (Dkt. # 39); 4/12/22 Order (Dkt. # 100); 5/10/22 Order (Dkt. # 104); 10/17/22 Order  
 8 (Dkt. # 121).) Because the court has yet to set a trial date, Mr. Ewalan’s similar, instant  
 9 motions to admit evidence and to order the DOC to transport him are still premature.  
 10 (*See* Dkt; *see also* Evid. Mot. at 2 (acknowledging lack of trial date).)<sup>2</sup> Accordingly, the  
 11 court DENIES Mr. Ewalan’s motions to admit evidence and to order the DOC to  
 12 transport him without prejudice. The court will not consider further motions to admit  
 13 evidence or to order transport until after a trial date is set.

14 **II. CONCLUSION**

15 For the foregoing reasons, the court DENIES Mr. Ewalan’s motions to meet and  
 16 confer and file a JSR (Dkt. ## 137, 143), and DENIES Mr. Ewalan’s motions for leave to  
 17 file PTSD evidence (Dkt. # 138) and for transport at trial (Dkt. # 139) without prejudice  
 18 to raising these issues after a trial date is set.

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 22 <sup>2</sup> The court refers Mr. Ewalan to this District’s Local Rules setting forth pretrial  
 procedures, including procedures for introducing evidence at trial. *See* W.D. Wash. Local Rules,  
 LCR 16(e), 16(h)-(k); *see also* LCR 16.1.

1 Dated this 6th day of July, 2023.

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JAMES L. ROBART  
United States District Judge